

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ESTATE OF NORMAN COOPER, §
DECEASED, NOBLE COOPER, §
JENNIFER COOPER, NATHAN COOPER, §
AND CARLY LOPEZ, INDIVIDUALLY §
AND AS NEXT FRIEND OF NASON §
COOPER AND NEVON COOPER, §
MINORS §

VS. §

CITY OF SAN ANTONIO; OFFICER §
OLIVER FLAIG; OFFICER ARNOLDO §
SANCHEZ; ANTHONY TREVINO, §
INTERIM POLICE CHIEF §

CIVIL ACTION NO. 5:16-CV-77

**DEFENDANTS CITY OF SAN ANTONIO, OFFICER OLIVER FLAIG; OFFICER
ARNOLDO SANCHEZ; AND ANTHONY TREVINO, INTERIM POLICE CHIEF'S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COME Defendants **CITY OF SAN ANTONIO, OFFICER OLIVER FLAIG;
OFFICER ARNOLDO SANCHEZ; and ANTHONY TREVINO, INTERIM POLICE
CHIEF** in the above-styled and numbered cause, and pursuant to 28 U.S.C. Sections 1331 and
1441(a) files this Notice of Removal, and in support thereof would respectfully show unto the
Court as follows:

1. On December 31, 2015, Plaintiffs filed Plaintiffs' Original Petition and Request
for Disclosure in the 131st Judicial District Court of Bexar County, Texas. Among other causes
of action alleged by Plaintiffs against Defendants, Plaintiffs allege a cause of action pursuant to
42 U.S.C. § 1983, claiming that Defendants violated the Plaintiffs' decedent's Fourth and
Fourteenth Amendment rights under the United States Constitution.

2. Specifically, Plaintiffs allege Defendants “tased” the Plaintiffs’ decedent multiple times causing cardiac arrest and handcuffed him with his hands behind his back, face down on the ground in a prone position with excessive weight on him restricting his ability to breath.

3. Pursuant to 28 U.S.C. §1446(a), attached to this Notice of Removal are copies of all process and pleadings served upon Defendants in the removed case. (*See* Exhibit “A”.) This Notice of Removal is timely filed under 28 U.S.C. §1446(b) because the removal is filed within thirty (30) days after Defendants first received a copy of Plaintiffs’ Original Petition and Request for Disclosure.

4. The claims asserted against Defendants are civil actions over which this Court has original jurisdiction under 28 U.S.C. § 1331 because Plaintiffs’ claims are brought pursuant to the provisions of 42 U.S.C. §1983, alleging deprivations of Plaintiffs’ Constitutional rights pursuant to the Fourth and Fourteenth Amendments to the United States Constitution. Plaintiffs’ claims therefore arise under the laws of the United States. Plaintiffs seek actual and exemplary damages against Defendant.

5. Venue is proper in this district under 28 U.S.C. §1446(a), because Bexar County, Texas, where the removed action is pending, is within the San Antonio Division of the United States District Court for the Western District of Texas.

6. To the extent Plaintiffs are asserting any state law causes of action, Defendants would show that the United States District Court has jurisdiction over Plaintiffs’ pendent state law claims pursuant to the Court’s supplemental jurisdiction, because those claims arise out of and are derived from a common nucleus of operative facts which form the basis of Plaintiffs’ federal civil claims.

7. Defendants also assert they will pay all costs and debts incurred in the removal proceeding should the court determine this action is not removable or is improperly removed.

8. Pursuant to 28 U.S.C. §1446(d), Defendants intend to serve written notice of this removal upon all interested parties and upon the State Court, promptly after filing this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendants hereby effectuate a removal of the present cause of action to this Honorable United States District Court.

Respectfully submitted,

**HOBLIT DARLING RALLS
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**ATTORNEY FOR DEFENDANTS,
OFFICER OLIVER FLAIG; OFFICER
ARNOLDO SANCHEZ; and ANTHONY
TREVINO, INTERIM POLICE CHIEF**

CITY OF SAN ANTONIO

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MICHAEL D. SIEMER
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**ATTORNEY FOR DEFENDANT
CITY OF SAN ANTONIO**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been sent to the following, by the method indicated, on January 25, 2016, to:

Matthew Neal Gossen
The Ariel House
8118 Datapoint Drive
San Antonio, Texas 78229
Counsel for Plaintiffs

Via Facsimile



Mark Ralls